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HEAD, JOHNSON & KACHIGIAN
228 W 17TH PLACE
TULSA, OK 74119

EXAMINER	
ATALA, JAMIE JO	
ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/802,021	MEHRA ET AL.	
	Examiner	Art Unit	
	JAMIE JO ATALA	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4-11,13-15,17 and 18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-11,13-15,17-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Argument

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection of Schindler et al (US 5,995,155) in view of Brightman et al (US 2006/0292292) in view Stoney (US 6,237,079). Applicant argues on pages 6-8 the prior art of record fails to disclose single FIFO having read/write commands. The newly applied reference of Stoney is being applied to overcome the deficiencies in the proceeding office action.

2. The claims have been examined in regards to a 101 rejection. The specification discloses the transmission is limited to the operation of the HDD and thereby deemed statutory since evident appears to give the broadest reasonable interpretation to be a physical medium.

3. Claims 1, 2, 3, 12, and 16 have been cancelled. Claims 4-11, 13-15, and 17-18 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 4, 5, 6, 7, 8, 9, 10, 11, 13-15, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler et al (US 5,995,155) in view of Brightman et al (US 2006/0292292) in view Stoney (US 6,237,079).

[claim 18]

In regard to Claim 18, Schindler et al discloses a receiver for digital data broadcast from a remote location (Figure 1 shows a satellite 112 and the antenna connected to the personal computer 118 therein, a receiver 316 is included in the personal computer 118 shown in Figure 3 as further described in column 7 line 46-64 and column 10 line 15-24);, said receiver comprising:

- A storage means for selective storage of digital data broadcast from a remote location (Figure 3 shows a storage system includes a tape drive 330, a disk drive 332, a CD ROM drive 334, a diskette drive 336, and a RAM 314 wherein different storages are selected to store different information as further described in column 9 line 47-line and column 10);
- A control system for control of the storage means and control of storage of data therein, the control system including a "first in first out" buffer being capable of receiving instructions in generic form (A control system includes a handheld remote 124, keyboard 126, a RF receiver 324 and a processor 310. Figure 9A and figure 10 show the handheld remote 124 and keyboard 126, which are further described in column 9 line 12-14; Figure 3 shows the RF receiver 324 and processor 310 as further described in column 9 line 26-46. Furthermore, the first

in first out “FIFO” buffer receives generic instructions on user and system functions as described in Column 11 Lines 10-67); however, fails to disclose

- The data to be stored including instruction data, block data, and paths for the data being decoupled;
- a control processing unit for analyzing the digital data to determine when it should be stored
- And control processing unit inserting instructions in generic form into the single storage-instruction “first in first out" buffer said instructions comprising:
  - Register read and write commands in a generic form for the control of storage of digital data in the storage means
  - Control system commands for automating the bulk transfer of digital data to and from storage means
  - Wherein the single storage-instruction first in and first out buffer the control commands for automating the bulk transfer of the digital data from the control system are compatible and intermixable with register read and write commands

Brightman et al discloses a digital processing apparatus for communication of data and further comprising:

- A control processing unit for analyzing the digital data to determine when it should be stored (Figure 40 shows the processing of instructions to the FIFO)

- And control processing unit inserting instruction into the single "first in and first out" buffer (Figure 40 shows the instructions being processed via the FIFO for reading and writing commands) said instructions comprising:
    - Register read and write commands for the control of storage of digital data in the storage means (Paragraphs 0484-0486 describes the read and write commands for controlling of storage of digital data);
    - Control system commands for automating the bulk transfer of digital data to and from storage means (Paragraphs 0486 describes the control system commands transferring large amounts of data to the storage means);
    - Wherein the single first in and first out buffer the control commands for the control system are compatible and intermixable with register read and write commands (Paragraphs 0480-0490 describes the commands that are compatible with throughout the system).

Brightman et al teaches a system for processing and transferring of data through the use of FIFO and commands. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of receiving data from a remote location, as disclosed by Schindler et al, and further incorporate a system that provides read and write commands, as disclosed by Brightman, to allow for proper control of control commands and efficient storage of data.

Stoney teaches a system for controlling computing system comprising a FIFO wherein

- The data to be stored including instruction data, block data, and paths for the data being decoupled (Column 44 Lines 20-57 describes the data being stored on the system to contain instruction data. Furthermore, Column 54 Lines 21-67 describes the block data also being present in the storage device. The system provides separate paths for the data being processed and stored as described in Column 10 Lines 44-67);
- Using a single storage instruction "first in first out buffer" (Column 115 Lines 1-15 describes the ability to use a single FIFO buffer for the processing) said instructions including read and write commands in a generic form for the control of storage of the digital data (Column 25 Lines 40-67 describes the registering of read and write commands).

It is taught by Stoney to provide a system for processing and storing data on a single FIFO in order to provide higher performance memory solutions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of receiving data from a remote location, as disclosed by Schindler et al in view of Brightman, and further incorporate a system that uses various data being stored on a single FIFO, as disclosed by Stoney, to allow for efficient storage of data.

[Claim 4]

In regard to Claim 4, Schindler et al discloses a system contains a receiver and a CPU as shown in Figure 3 and described in column 9 line 33-36; however, fails to discloses the receiver which characterized in that the analysis, storage and directing of the

incoming data into the receiver is performed by a control processing unit (CPU) in the receiver. Stoney et al teaches that the analysis, storage, and directing incoming data into the system is performed by the CPU as seen in figure 1 and described in column 10 Lines 40-67. Thereby the analysis and storage of incoming data can be done quickly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system, disclosed by Schindler, and incorporate the receiver with analysis, storage, and directing of incoming data, as disclosed by Stoney, providing the same motivation as described in Claim 18..

[Claim 5]

In regard to claim 5, Schindler et al discloses a system contains a receiver that can control which data to be stored; however, fails to disclose that the receiver in the system can control which data can be stored. Stoney et al teaches controlling of storage of data through the read and write commands (Column 25 Lines 40-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system, disclosed by Schindler, and incorporate the receiver with analysis, storage, and directing of incoming data, as disclosed by Stoney et al, providing the same motivation as described in Claim 18.

[Claim 6]

In regard to claim 6, Schindler et al discloses a system contains a receiver, a CPU, and FIFO buffer. The FIFO buffer can include data which is altered by the CPU as described in Column 10, lines 43-49 and Column 11, lines 9-11; however, fails to disclose that the CPU can load the command signals data into the FIFO. Brightman et

al teaches controlling of storage of data through the read and write commands (paragraphs 0484-0486).

[Claim 7]

In regard to claim 7, Schindler et al discloses a system contains a receiver and a CPU wherein the command signal instructs the transfer of data to and/or from the data storage means as described in Column 22, line 43-line48; however, fails to disclose the command can also be generated from the CPU. Brightman et al teaches controlling of storage of data through the read and write commands via the CPU (paragraphs 0484-0486).

[Claim 8]

In regards to claim 8, Schindler et al discloses a system that contains a receiver wherein the command signal alter the start time for the storage of portions of incoming data as described in Column 21, line 46-57 and Column 22, line 1-9; however, Schindler et al fails to use a FIFO buffer to hold the command. Brightman et al teaches controlling of storage of data through the read and write commands wherein the commands are held in the FIFO based on the CPU commands (paragraphs 0484-0486).

[Claim 9]

In regard to claim 9, Schindler et al discloses a system contains a receiver, FIFO buffer and attached storage means shown in figure 3 and described in column 22 line 10-15; however, fails to disclose instruction in the FIFO in a generic form allows any possible register read/write command to be sent from/to the attached storage means.

Brightman et al teaches controlling of storage of data through the read and write commands (paragraphs 0484-0486).

[Claim 10]

In regard to claim 10, Schindler et al discloses a receiver and attached storage means as shown in figure 3. Furthermore, the storage means is an ATA or ATAPI compatible device as seen in figure 3 which shows a CD ROM drive 334 (ATA stands for Advanced Technology Attachment, compatible device including Compact Disk Read Only Memory, which is CD ROM); however, Schindler et al fails to include the ATA compatible inside the receiver. It is well known in the art that the ATA or ATAPI compatible device can be place inside a receiver as storage. It would increase the storage capacity infinitely when use CD ROM for the memory storage system inside a receiver. Furthermore, when one CD is full, it can be replaced with a new CD so that the recording section can continue without losing a lot of information. Therefore, the examiner takes official notice that it would be obvious to use an ATA or ATAPI compatible device inside a receiver for recording purpose.

[Claim 11]

In regard to claim 11, Schindler et al discloses a receiver and a HDD as shown in figure 3. Schindler et al also discloses that bulk transfer of the streamed data to the storage means as described in column 3 lines 51-67 and column 4 lines 1-11; however, fails to address any addition information, which is not used to provide the register read/write command to the HDD. Brightman et al teaches controlling of storage of data through the read and write commands (paragraphs 0484-0486).

[claim 13]

In regard to Claim 13, Schindler discloses a receiver wherein said command signals in the first in first out buffer allows a combined set of command signals to be generated (Column 19, line 1-10 describes the combined command signals of the FIFO).

[claim 14]

In regard to Claim 14, Schindler discloses a receiver wherein the storage means is an advanced technology attachment pack interface compatible device (Figure 1 shows the system wherein it is well known in the art that the devices have an interface compatible device).

[claim 15]

In regard to Claim 15, Schindler discloses a receiver that is connected to a storage means that allows selective storage of received data (Figure 1 shows a receiver that is connected to a storage device CPU for selective storage of received data).

[claim 17]

In regard to Claim 17, Schnindler et al discloses a receiver wherein the data required during said bulk transfer is a multiplex of many data streams **(**Figure 1 shows a satellite 112 and the antenna connected to the personal computer 118 therein, a receiver 316 is included in the personal computer 118 shown in Figure 3 as further described in column 7 line 46-64 and column 10 line 15-24).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE JO ATALA whose telephone number is (571)272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JAMIE JO ATALA/

Examiner, Art Unit 2621